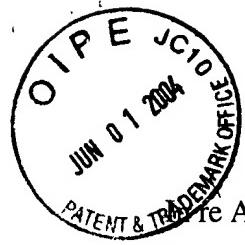


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Application for:)
 Sashiro Uemura)
 Serial No. 09/900,078)
 Filed: July 6, 2001)
 For: **FLAT DISPLAY AND)
 METHOD OF MOUNTING)
 FIELD EMISSION TYPE)
 ELECTRON-EMITTING)
 SOURCE)**

Examiner: Santiago, Mariceli
 Art Group: 2879

Mail Stop - RESPONSE
 Commissioner for Patents
 PO Box 1450
 Alexandria, Virginia 22313-1450

RESPONSE TO OFFICE ACTION

Dear Commissioner:

In response to the outstanding Office Action mailed April 2, 2004, Applicant hereby submits the following Terminal Disclaimers to overcome the non-statutory double patenting rejections.

- (1) Terminal Disclaimer in compliance 37 CFR 1.321(c) responsive to the “actual” rejection under the judicially created doctrine of obviousness-type double patenting as Claims 1 and 5 being unpatentable over Claim 1 and 5 of U.S. Patent No. 6,624,566; and Terminal Disclaimer in compliance 37 CFR 1.321(c) responsive to the “actual” rejection under the judicially created doctrine of obviousness-type double patenting as Claims 6 and 8 being unpatentable over Claim 1 of U.S. Patent No. 6,624,566 in view of Claims 7 and 8 of U.S. Patent No. 6,522,055; and
- (2) Terminal Disclaimer in compliance 37 CFR 1.321(c) responsive to the “provisional” rejection under the judicially created doctrine of obviousness-type double patenting as Claim 1 being unpatentable over claim 11 of co-pending Application No. 09/933,984.

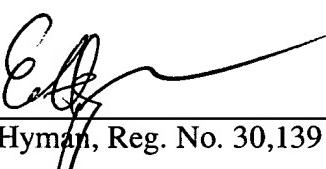
In view of the foregoing, it is submitted that all outstanding requirements have been complied with and the Application is now in condition for allowance, which early action is requested.

If there are any fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN

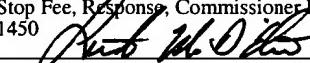
Dated: May 26, 2004

By: 

Eric S. Hyman, Reg. No. 30,139

CERTIFICATE OF MAILING:

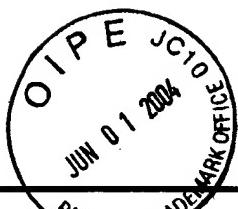
I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class Mail, With Sufficient Postage, In An Envelope Addressed To: Mail Stop Fee, Response, Commissioner For Patents P.O. Box 1450, Alexandria, VA 22313-1450

 5-26-04

Linda Marie D'Elia

May 26, 2004

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(310) 207-3800



2879
IPW

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application No.	09/900,078
		Filing Date	July 6, 2001
		First Named Inventor	Sashiro Uemura
		Art Unit	2879
		Examiner Name	Berck, Kenneth A.
Total Number of Pages in This Submission	7	Attorney Docket Number	96790P370

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):	<input type="checkbox"/> Return postcard

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Eric S. Hyman, Reg. No. 30,139 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	May 26, 2004

CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Typed or printed name	Linda D'Elia
Signature	
Date	May 26, 2004



FEE TRANSMITTAL for FY 2004

Effective 10/01/2004. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)
220.00

Complete if Known	
Application Number	09/900,078
Filing Date	July 6, 2001
First Named Inventor	Sashiro Uemura
Examiner Name	Berck, Kenneth A.
Art Unit	2879
Attorney Docket No.	96790P370

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None
 Deposit Account

Deposit Account Number **02-2666**

Deposit Account Name **Blakely, Sokoloff, Taylor & Zafman LLP**

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		FeePaid
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1001	770	2001	385	Utility filing fee
1002	340	2002	170	Design filing fee
1003	530	2003	265	Plant filing fee
1004	770	2004	385	Reissue filing fee
1005	160	2005	80	Provisional filing fee
SUBTOTAL (1)		(\$)		

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	FeePaid
10	20** = 0	X 18.00 = \$0.00	
2	3** = 0	X 86.00 = \$0.00	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	66	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple Dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$)		0.00

**or number previously paid, if greater. For Reissues, see below

3. ADDITIONAL FEES

Large Entity	Fee Code	Fee (\$)	Small Entity	Fee Code	Fee (\$)	Fee Description	FeePaid
	1051	130		2051	65	Surcharge - late filing fee or oath	
	1052	50		2052	25	Surcharge - late provisional filing fee or cover sheet	
	2053	130		2053	130	Non-English specification	
	1812	2,520		1812	2,520	For filing a request for ex parte reexamination	
	1804	920 *		1804	920 *	Requesting publication of SIR prior to Examiner action	
	1805	1,840 *		1805	1,840 *	Requesting publication of SIR after Examiner action	
	1251	110		2251	55	Extension for reply within first month	
	1252	420		2252	210	Extension for reply within second month	
	1253	950		2253	475	Extension for reply within third month	
	1254	1,480		2254	740	Extension for reply within fourth month	
	1255	2,010		2255	1,005	Extension for reply within fifth month	
	1404	330		2401	165	Notice of Appeal	
	1402	330		2402	165	Filing a brief in support of an appeal	
	1403	290		2403	145	Request for oral hearing	
	1451	1,510		2451	1,510	Petition to institute a public use proceeding	
	1452	110		2452	55	Petition to revive - unavoidable	
	1453	1,330		2453	665	Petition to revive - unintentional	
	1501	1,330		2501	665	Utility issue fee (or reissue)	
	1502	480		2502	240	Design issue fee	
	1503	640		2503	320	Plant issue fee	
	1460	130		2460	130	Petitions to the Commissioner	
	1807	50		1807	50	Prospecting fee under 37 CFR 1.17(q)	
	1806	180		1806	180	Submission of Information Disclosure Stmt	
	8021	40		8021	40	Recording each patent assignment per property (times number of properties)	
	1809	770		1809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
	1810	770		2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
	1801	770		2801	385	Request for Continued Examination (RCE)	
	1802	900		1802	900	Request for expedited examination of a design application	
	Other fee (specify)		Two (2) Terminal Disclaimers @ \$110/each				220.00

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

220.00

SUBMITTED BY

Name (Print/Type)	Signature	Registration No. (Attorney/Agent)	Telephone	Complete (if applicable)
Eric S. Hyman		30,139	(310) 207-3800	
			Date	05/26/04